



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**
Caption in compliance with D.N.J. LBR 9004-1

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Attorneys for Mahwah Property Owner, LLC

Order Filed on June 8, 2021
by Clerk,
U.S. Bankruptcy Court
District of New Jersey

In re:

AMERICAN LIMOUSINE LLC

Debtor.

Case No. 21-10121-SLM

Chapter 11 (Subchapter V)

Hon. Stacey L. Meisel

**CONSENT ORDER RESOLVING MAHWAH PROPERTY OWNER, LLC'S MOTION
TO ALLOW AND COMPEL PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM
UNDER 11 U.S.C. § 503(b)(1) FOR POST-PETITION AMOUNTS DUE FOR
POSSESSION OF REAL PROPERTY**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby agreed upon and **ORDERED**.

DATED: June 8, 2021

Honorable Stacey L. Meisel
United States Bankruptcy Judge

Page 2

Debtor: American Limousine LLC

Case No.: 21-10121-SLM

Caption: **Consent Order Resolving Mahwah Property Owner, LLC's Motion to Allow and Compel Payment of Administrative Expense Claim Under 11 U.S.C. § 503(b)(1) for Post-Petition Amounts Due for Possession of Real Property**

THIS MATTER, having been brought before the Court upon the motion of Mahwah Property Owner, LLC (“Mahwah”) for the entry of an order allowing and compelling payment of an administrative expense claim to Mahwah for unpaid amounts incurred by the above-captioned subchapter V debtor, American Limousine, LLC (the “Debtor”), for continued use and possession of commercial property after the Debtor’s petition date (the “Motion”) [D.I. 153]; and the Debtor having filed a response in opposition to the Motion (the “Opposition”) [D.I. 161] contesting the amount that Mahwah asserted to be due as an administrative expense claim in the Motion; and the Debtor having previously filed a proposed small business plan of reorganization (the “Plan”) [D.I. 141], with a confirmation hearing presently scheduled for July 13, 2021; and the parties having engaged in good faith arm’s length negotiations to resolve the Motion and the Opposition; and the parties having consented to the relief set forth herein as evidenced by the signatures of their respective undersigned counsel; and for good cause shown, it is hereby

AGREED and ORDERED that in resolution of the Motion and the Debtor’s Opposition thereto, the Debtor shall file an amended Plan providing Mahwah with the following treatment:

1. Mahwah shall be entitled to and provided an allowed administrative expense claim pursuant to 11 U.S.C. § 503(b) in the amount of \$60,000.00 to be paid through the Plan in the same priority and time as other allowed administrative expense claims.

2. Mahwah shall have an allowed secured claim in a security deposit it is holding in the amount of \$48,888.96 (the “Security Deposit”), and the amended Plan shall provide that said secured claim shall be satisfied through the Debtor

Page 3

Debtor: American Limousine LLC

Case No.: 21-10121-SLM

Caption: **Consent Order Resolving Mahway Property Owner, LLC's Motion to Allow and Compel Payment of Administrative Expense Claim Under 11 U.S.C. § 503(b)(1) for Post-Petition Amounts Due for Possession of Real Property**

surrendering the Security Deposit to Mahwah upon the Court's entry of an order confirming the Plan. The Security Deposit shall be credited against Mahwah's pre-petition general unsecured claim [Claim No. 56-3], with the balance of the pre-petition general unsecured claim to be paid in accordance with the treatment and priority for general unsecured creditors under the Plan.

And it is further

AGREED and ORDERED that in the event the Plan as amended pursuant to this Consent Order is not confirmed, this Consent Order shall be null and void and (i) Mahwah shall be immediately entitled to relief from the automatic stay and be authorized to assume ownership of the Security Deposit and credit it against its pre-petition general unsecured claim without need for further order of the Court or notice to the Debtor; and (ii) all rights and remedies with respect to Mahwah's asserted administrative expense claim and the Security Deposit, including, but not limited to, renewing the Motion, shall be preserved.

[Signature page follows]

Page 4

Debtor: American Limousine LLC

Case No.: 21-10121-SLM

Caption: **Consent Order Resolving Mahway Property Owner, LLC's Motion to Allow and Compel Payment of Administrative Expense Claim Under 11 U.S.C. § 503(b)(1) for Post-Petition Amounts Due for Possession of Real Property**

The parties, through their undersigned counsel, hereby consent to the form, substance, and entry of the foregoing order:

By: 

Dean G. Sutton, Esq.
18 Green Road
Sparta, NJ 07871
(973) 729-8121
Attorney for Debtor

Dated: 

By: 

Michael R. Herz, Esq.
Fox Rothschild, LLP
49 Market Street
Morristown, NJ 07960
(973) 992-4800
Attorneys for Creditor, Mahwah Property Owner, LLC

Dated: 6/7/2021

In re:
American Limousine LLC
Debtor

Case No. 21-10121-SLM
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin

Page 1 of 2

Date Rcvd: Jun 08, 2021

Form ID: pdf903

Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 10, 2021:

Recip ID	Recipient Name and Address
db	+ American Limousine LLC, 365 Rifle Camp Road, Suite 202, Woodland Park, NJ 07424-2776
aty	+ American Limousine LLC, 90 McKee Drive, Mahwah, NJ 07430-2106

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 10, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 8, 2021 at the address(es) listed below:

Name	Email Address
Barry J. Roy	on behalf of Creditor Lancer Insurance Company broy@rltlawfirm.com
Christian Del Toro	on behalf of Creditor Dynasty Auto Body Inc. cdeltoro@martonelaw.com, bky@martonelaw.com
Daniel H. Reiss	on behalf of Creditor Joselito R. Dela Cruz & Jeff Pangilinan dhr@lnbyb.com
Dean G. Sutton	on behalf of Debtor American Limousine LLC dean@deansuttonlaw.com
Denise E. Carlon	on behalf of Creditor Intellishift dcarlon@kmllawgroup.com bkgroup@kmllawgroup.com
Devanshu L. Modi	dev.modi@lgmlaw.com

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Jun 08, 2021

Form ID: pdf903

Total Noticed: 2

Douglas J. Pick

on behalf of Creditor Lancer Insurance Company dpick@picklaw.net ezabicki@picklaw.net

Dwayne Stanley

on behalf of Creditor Merchants Automotive Group Inc. dwayne.stanley@huschblackwell.com

Elizabeth L. Wassall

on behalf of Creditor ORION FIRST FINANCIAL AS ACCOUNT SERVICER FOR MIDLAND STATE BANK
ewassall@logs.com njbankruptcynotifications@logs.com;logsecf@logs.com

Michael R. Herz

on behalf of Creditor Mahwah Property Owner LLC mherz@foxrothschild.com, cbrown@foxrothschild.com

Rebecca K. McDowell

on behalf of Creditor Firstlease Inc. rmcdowell@slgcollect.com

Rosemarie E. Matera

on behalf of Creditor Steven Bennett Blau law@kmpclaw.com

Stephan Hornung

on behalf of Creditor M&T BANK hornung@lsellp.com

Stephen V. Falanga

on behalf of Unknown Role Type Kevin and Anna Taylor sfalanga@thewalshfirm.com
chemrick@thewalshfirm.com;ntravostino@walsh.law

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15